

REMARKS AND ARGUMENTS

Claim Rejections - 35 USC § 102

The Examiner has rejected claims 1-4, 7-14 and 18 under 35 U.S.C. 102(b) as being anticipated by Thompson et al. (US 6,095,934 A) (hereafter "Ohama"). Of these rejected claims, claims 1 and 11 are independent. Although Applicant respectfully disagrees with the Examiner's analysis of the prior art, claims 1 and 11 have been amended to more fully describe the subject matter therein. Specifically, the claim 1 has been further amended so that the personal device is "removably" mounted to the tether housing, with the tether able to prevent the personal device from falling to the ground when the "personal device is jarred from said holstering system". Claim 1 has been further amended so that the "personal device comprises a pivoting ball, said ball arranged in said elevated slot."

Thompson, by contrast, is directed to very different arrangement and is directed to a safety card case having a card holder shown as an enclosure 12 for the storage of machine readable cards. The enclosure 12 can be attached to a belt and includes a flexible tether 16 that is attached to the cards and allows the cards to be used by extending the tether from the enclosure. The enclosure can also comprise a retraction control device shown as a button 22.

Thompson does not disclose or teach the use of a retractable tether with a personal device, only use with magnetic readable cards. Further, it does not teach that the tether can prevent the personal device from falling to the

ground, and does not teach the U-shaped slot and pivoting ball arrangement.

Thompson does not anticipate claims 1 and 11 for several reasons, and these claims are allowable over the cited references alone or in combination.

Claims 2-4, 7-10, 12-14 and 18 depend from these allowable claims and, as such, are also allowable.

The Examiner rejected claims 1, 4, 8-10 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,546,103 to Wong. Of these, claim 1 is an independent claim from which the remaining claims depend. As mentioned above, claim 1 has been amended herein to include additional limitation not disclosed or taught by Wong, and for the same reasons claim 1 is allowable over Wong. Claims 4 and 8-10 depend from allowable claim 1 and, as such, are also allowable.

Claim Rejections - 35 U.S.C. § 103

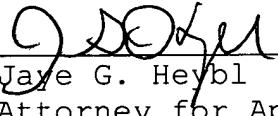
The Examiner rejected claims 1, 4, 6 and 8-10 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,620,120 to Tien in view of Wong. The Examiner also rejected claims 11, 14 and 18 under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Decoteau. As discussed above with respect to claims 1 and 11 have been amended herein. Wong does not teach the U-shaped elevated slot feature of the holstering system of claim 1 or 11. Nor does Decoteau teach this limitation. None of the references teach a ball and slot arrangement as provided in the independent claims. The references, taken individually or in combination, do not teach all of the limitations of claim 1 and 11, and claims 1 and 11

Appl. No. 10/816,036
Amdt. Dated February 15, 2008
Response to Restriction Requirement of August 15, 2007

are allowable. The remaining claims depend from these allowed claims and are also allowable.

Applicant submits that pending claims are in condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Jaye G. Heybl
Attorney for Applicant
Registration No. 42,661

February 15, 2008

KOPPEL, PATRICK, HEYBL & DAWSON
555 St. Charles Drive, Suite 107
Thousand Oaks, CA 91360
Phone 805 373 0060,
Fax 805 373 0051